

**INSTRUCTION SHEET
ADDITIONS TO
MILWAUKEE CODE OF ORDINANCES
VOLUME 1**

SUMMARY

This supplement incorporates changes to Volume 1 of the Milwaukee Code of Ordinances enacted by the following Common Council files:

190927 A substitute ordinance relating to the enforcement of lead hazard regulations.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove <u>old</u> MEMO (Suppl. #418)					
				i-ii v-vi	i-ii v-vi
60-53	cr	190927	8/18/2022	81-86	81-86
61-16-2-0	am	"	"	101-104	101-102
66-22-3	rc	"	"	131-138	131-138
66-22-4-0	am	"	"	"	"
66-22-4-c-2	am	"	"	"	"
66-22-4-c-3	cr	"	"	"	"
66-22-4-d	rc	"	"	"	"
66-22-4.3	cr	"	"	"	"
66-22-4.5	cr	"	"	"	"
66-22-5-0	am	"	"	"	"
66-22-5-d-2	am	"	"	"	"
66-22-5-e	rp	"	"	"	"
66-22-5-g	rc	"	"	"	"
66-22-14	rc	"	"	"	"
66-22-15	rp	"	"	"	"

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For questions concerning the content of the Milwaukee Code or Ordinances contact the Municipal Research Library, (414) 286-2297.

Abbreviations: am=amended ra=renumbered and amended rn=renumbered
 cr=created rc=recreated rp=repealed

Revised 7/28/2022
Suppl. #419

CITY OFFICIALS

2020 to 2024

Mayor
Cavalier Johnson

Council President
Jose G. Perez

The Common Council
(By Aldermanic District)

1. Ashanti Hamilton
2. VACANT
3. VACANT
4. Robert J. Bauman
5. Nikiya Dodd
6. Milele A. Coggs
7. Khalif Rainey
8. JoCasta Zamarripa

9. VACANT
10. Michael Murphy
11. Mark A. Borkowski
12. Jose G. Perez
13. Scott P. Spiker
14. Marina Dimitrijevic
15. Russell W. Stamper, II

City Clerk: Jim Owczarski
Deputy: Dana Zelazny

City Attorney
Tearman Spencer

City Comptroller
Aycha Sawa

City Treasurer
Spencer Coggs

Municipal Judges

Branch 1
Valarie Hill

Branch 2
Derek Mosley

Branch 3
Phil Chavez

FORWARD

In 1989, volume 1 of the Milwaukee Code of Ordinances was printed in its current format of an updatedable looseleaf format. As changes to these ordinances are passed by the Common Council, the Legislative Reference Bureau will issue replacement pages for this book. Thus, it can be a current and reliable resource to its users.

Volume 1, which contains chapters numbering 50 to 199, contains administrative ordinances which pertain to the organization and operation of Milwaukee's city government. Other looseleaf volumes include Volume 2 (Building and Zoning Code), Volume 3 (Administrative Ordinances), and the City Charter.

The numbering system for the Milwaukee City Charter and Code of Ordinances is patterned on that used for the Wisconsin Statutes (except for the use of dashes in place of parentheses) and is as follows:

Chapter	Section	Subsection	Paragraph	Subdivision	Subparagraph
70	10	3	a	4	b

If there are questions regarding the numbering system, or the correct method of citation, please contact the Legislative Reference Bureau.

Keith Broadnax, Manager
Legislative Reference Bureau
July 2022

MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through July 28, 2022.

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**CHAPTER 60
HEALTH-RELATED FEES**

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60-1. General Provisions.

1. DEFINITIONS. In this chapter:
 - a. "Calendar year" means January 1 to December 31.
 - b. "Department" means the health department or any department to which health department functions or duties have been delegated pursuant to a memorandum of understanding.
2. LICENSE PERIOD. A license or permit fee shall be paid for the entire license or permit period or for any fraction thereof except where otherwise provided. In the absence of provisions to the contrary, no license or permit fee shall be transferable or prorated.

3. REFUND OF FEES BY HEALTH DEPARTMENT.

- a. Except as otherwise provided, if an application for a license or permit issued by the health department is withdrawn, or if such a license or permit is denied or not issued, the following amounts shall be retained by the health department to defray the city's cost of processing the application pursuant to this chapter:
 - a-1. \$25 if the license or permit fee is less than \$100.
 - a-2. \$75, if the license or permit fee is more than \$100.
- b. The refundable portion of the fee shall be refunded by the health department upon receipt of a written request by the applicant, provided such request is made no later than one year after the date of application for the license or permit. No refund shall be made after one year from the date of application.

4. INSUFFICIENCY OF FUNDS; NONPAYMENT OF FEES.

- a. Except where otherwise provided, if payment for a license or permit fee issued through the city clerk's office is made by check or other draft drawn upon an account containing insufficient funds, the applicant shall, within 15 days from the date of the letter from the city clerk of the insufficiency, pay by cashier's check or other certified draft, money order or cash, the fees, late fees and processing charges as specified by city code. Nonpayment of all applicable fees, late fees and processing charges within 15 days after the applicant received notice of the insufficiency shall deem the license or permit null and void. The establishment shall close until a new application is made, a new license obtained, and the applicable fees are paid.
- b. Any individual or corporation that owes the city for unpaid fines, late fees, or license or permit fees relating to a current or previous food operation shall pay all such outstanding fees before any license or permit is issued.

60-2 Health-Related Fees

5. INSPECTION FEE ASSESSMENT. Inspection fees shall apply to any establishment or device that the health department is designated to inspect, investigate and enforce compliance. A fee is assessed at the time an inspection or investigation is performed for which a violation is identified.

a. A fee shall be assessed for an inspection or investigation when an establishment or operation is found to have any of the following:

a-1. One or more repeat or recurring violations.

a-2. An excessive number of violations.

a-3. Noncompliance with an order to correct a violation within a specified deadline.

a-4. Failure to maintain correction of a violation that was previously corrected on-site at the time of a previous inspection or investigation.

a-5. A violation of an operational restriction placed on the establishment or operation by the department.

b. An inspection fee shall be assessed for an inspection or investigation of a mobile restaurant licensed by the Wisconsin department of agriculture, trade and consumer protection. This fee shall be assessed only once during the licensing period.

c. An inspection fee shall be assessed for an inspection or investigation of a temporary event licensed by the Wisconsin department of agriculture, trade and consumer protection. This fee shall be assessed only once during the licensing period.

d. An inspection fee shall be due within 30 days of the date of an inspection or investigation unless the order is appealed within 5 days of issuance of the order. An order which is upheld upon appeal shall be due 30 days from the date of issuance of the appeal findings.

6. NONPAYMENT OF INSPECTION FEE. A \$10 late fee shall be assessed for each additional 30-day period or calendar month a health inspection or investigation fee payment is outstanding. A late fee shall be charged to any enforcement action specified in chs. 68 and 81, and s. 75-30.

60-2. Ambulance Certificate.

1. Each ambulance certificate shall be issued for the calendar year.

2. The fee for each original certificate shall be \$1,210.

3. The fee for each original certificate that is being renewed shall be \$1,100.

4. If an initial application or application for renewal is denied, no fee paid shall be refunded.

(See s. 75-15.)

60-3. Animal Fancier Permit and Fees.

1. The fee for each animal fancier permit shall be \$70.

2. Each permit shall run for a period of one year from the date of issuance and shall be subject to annual renewal.

3. There shall be an additional \$35 late fee for any new or renewal permit application and fee that is received by the department later than the fifth day after the applicant has received the permit application.

4. A \$30 delayed inspection fee shall be charged whenever a permit holder fails to schedule and allow a department inspection of the premises as provided in s. 78-7-2-b-2.

(See s. 78-7.)

60-5. Animal Impoundment Fee.

1. The basic fee for the repossession of an impounded animal shall be \$60.

2. An additional fee shall be charged for each calendar day or fraction thereof for the costs of keeping the animal. (See s. 78-21.)

60-7. Animal Licenses and Permits.

1. The fee for an unspayed or unneutered cat or dog shall be \$24.

2. The fee for a spayed or neutered cat or dog shall be \$12.

3. Application for a license may be made from January 1 to April 1 without paying a late filing fee. Any license applied for after April 1 shall cost an additional \$12 for an unspayed or unneutered cat or dog, and \$6 for a spayed or neutered cat or dog, unless the applicant has proof that the animal has been acquired or that it

has just reached the age of 5 months within the last 30 days prior to application or that the applicant has established city residency within the last 30 days prior to the application. The late filing fee of \$12 for a unspayed or unneutered cat or dog, and \$6 for a spayed or neutered cat or dog shall be waived for the period beginning on August 1, 2014 and ending on August 31, 2014.

4. The fee for an unspayed or unneutered dog or cat which has not reached the age of 5 months prior to July 1 shall be \$12.

5. The fee for a spayed or neutered dog or cat which has not reached the age of 5 months prior to July 1 shall be \$6.

6. The fee for a replacement animal license shall be \$2.
(See s. 78-17.)

7. The fee for keeping bees shall be \$80 annually.
(See s. 78-6.)

8. A fee of \$35 shall be charged at the time of application for anyone intending to keep chickens in the city.
(See s. 78-6.5.)

60-9. Asbestos Project Permit. The fee for each asbestos project shall be as follows:

1. Review and inspection of permit application: \$100.

2. Fees for a permit shall be computed as follows:

a. For a period not exceeding 3 days of asbestos project work: \$295.

b. For a period of 4 to 10 days of asbestos project work: \$490.

c. For a period exceeding 10 days of asbestos project work: \$675 or 1.25% of the total cost of the asbestos abatement project, whichever is greater. (See s. 66-12.)

60-16. Closing Out Sale License.

1. FEE. The fee for each license shall be the total of 2 charges:

a. The base charge shall be computed in accordance with the following schedule:

a-1. For a period not exceeding 15 days: \$52.

a-2. For a period not exceeding 30 days: \$99.

a-3. For a period not exceeding 60 days: \$151.

b. An additional charge shall be paid based upon the value of the inventory, computed at the rate of \$2 per \$1,000 of the cost price shown in the inventory filed in accordance with s. 88-1-3.

2. TAX DEPOSIT. An applicant shall pay a deposit in an amount that is sufficient to pay all personal property taxes that will be levied or assessed during the sale. Such deposit shall be used to pay personal property taxes.

3. EXTENSION OF TIME.
A supplemental fee is required in addition to the regular license fee if an extension of time is granted pursuant to s. 88-1-4. The supplemental fee shall be \$47 per day.
(See s. 88-1.)

60-17. Dry Cleaning Establishment Permit (Coin-operated).

1. Each dry cleaning establishment (coin-operated) permit shall be issued for a one-year period beginning on February 1 and ending on January 31.

2. The fee for each permit shall be \$220.

3. Each permit shall be renewed annually upon the payment of the required fee before February 1 of the following year. There shall be an additional fee for the filing of a late renewal application in the amount of \$100.
(See s. 76-20.)

60-19. Dumping Permits.

1. a. The fee for each dump site permit under s. 80-45 shall be \$145.

b. Each permit shall run for a period of one year from the date of issuance and shall be subject to renewal.

2. The fee for dumping soil by the water department at the sanitation division's dump sites shall be \$10 per cubic yard.

3. a. The fee for a private operator to dump snow at any of the city's snow dump sites shall be \$145.

b. Each permit issued under par. a. shall run for a period of one year from the date of issuance.
(See s. 80-45.)

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60-43. Grooming Establishment, Animals.

1. Each animal grooming establishment permit shall be issued for the calendar year.

2. The fee for each permit shall be \$100.

3. There shall be an additional fee for the filing of a late renewal application on or after January 1 of the following year in the amount of \$60.

(See s. 78-11.)

60-45. Health Certificate to Travel. The fee for the issuance of any health certificate to travel shall be \$1.

(See s. 59-17.)

60-47. Horse Stable Permit.

1. Each horse stable permit shall be issued for the calendar year ending December 31.

2. The fee for each permit shall be \$70.

3. There shall be an additional fee for the filing of a late renewal application on or after January 1 of the following year in the amount of \$30.

(See s. 78-7.)

60-49. Inoculation Fee. The fee for the provision for an inoculation for overseas travel shall be \$41.

60-51. Kennel Permit.

1. Each kennel permit shall be issued for the calendar year.

2. The fee for each license shall be \$100.

3. There shall be an additional fee for the filing of a late renewal application on or after January 1 of the following year in the amount of \$30.

(See s. 78-7.)

60-52. Laboratory Services.

1. A fee shall be charged for laboratory services provided by the health department, with the exception of those tests listed in sub. 2, based on the most current charges specified by the state laboratory of hygiene. Lead screening and testing fees shall be based on the most current Title 19 Medicaid reimbursement rates

as set by the state of Wisconsin for health maintenance organizations. New tests added in the future shall be regulated by the guidelines for laboratory fees in the state laboratory of hygiene reference manual or by rates set by the state for Title 19 Medicaid reimbursement of health maintenance organizations.

2. There shall be no fee charged for the following tests and any other test determined by the commissioner of health as appropriate based on public health needs or considerations:

a. Specimens for pertussis.

b. Reference cultures.

3. The following tests shall be charged a handling fee determined by the health department:

a. Specimens for legionella.

b. Specimens for mycobacteria.

60-53. Lead Hazard Inspection Fee. The fee for each lead hazard inspection necessary to determine compliance with an order issued under s. 66-22-4-c shall be \$150 per dwelling, dwelling unit, supplemental location or premises. The fee for each subsequent reinspection shall be \$300 until full compliance with the order is found.

(See s. 66-22.)

60-54. Lead Reduction Permit. The fee for each lead reduction permit shall be \$57 per dwelling, dwelling unit, supplemental location or premises.

(See s. 66-22.)

60-57. Masonry Building Cleaning, Sandblasting Permit.

1. The fee for each permit for each calendar day or partial calendar day for masonry building cleaning shall be \$78.

2. No fee shall be charged for a permit issued for purposes of removing graffiti.

(See s. 80-29.)

60-66. Noise Variance Permit.

1. The fee for application for a noise variance permit shall be \$55.

2. An application for a noise variance shall be filed between 7 to 14 days prior to the first day of the requested variance. An application filed less than 7 days prior to the first day of the requested variance shall be subject to a late application fee provided under sub 3.

3. There shall be an additional fee of \$50 for filing a late application.

(See s. 80-66.)

60-67. Pesticide Applicator Certificate, Commercial.

1. Each commercial pest control operator's certificate shall be issued for a one-year period, commencing on February 1 and expiring on the following January 31.

2. The fee for each certificate shall be \$90.

3. There shall be an additional fee for the filing of a late renewal application on or after February 1 of the following year in the amount of \$50.

(See s. 77-5.)

60-69. Pet Shop License.

1. Each pet shop license shall be issued for the calendar year.

2. The fee for each license shall be \$100.

3. There shall be an additional late fee for the filing of a late renewal application on or after January 1 of the following year in the amount of \$60.

(See s. 78-9.)

60-70. Inspection Fees for Health Code and Weights and Measures.

1. HEALTH CODE INSPECTION FEES.

a. Annual Routine Inspection.

a-1. The routine inspection fee for a mobile restaurant or temporary event licensed by the Wisconsin department of agriculture, trade and consumer protection shall be \$50.

a-2. The fee for the first inspection in which one or more of the criteria specified in s. 60-1-5 are met shall be \$125.

a-3. The fee shall increase by \$125 for each successive inspection in which one or more of the criteria specified in s. 60-1-5 are met.

a-4. The maximum inspection fee for a single inspection, excluding penalties for late payment, shall be \$500.

b. Additional Routine Inspection. When an additional routine inspection is requested by an establishment or required by the department due to repeated failure to correct a violation, the fee for performing the additional routine inspection shall be \$250.

c. Reinspection.

c-1. The fee for the first reinspection in which one or more of the criteria specified in s. 60-5-1 are met shall be \$125.

c-2. The fee shall increase by \$125 for each successive inspection in which one or

more of the criteria specified in s. 60-1-5 are met.

c-3. The maximum reinspection fee for a single inspection, excluding penalties for late payment, shall be \$500.

c-4. This paragraph does not apply to a retail food establishment that is a micro market.

d. Compliant Investigation.

d-1. The fee for the first investigation in which one or more of the criteria specified in s. 60-1-5 are met shall be \$125.

d-2. The fee shall increase by \$125 for each successive inspection in which one or more of the criteria specified in s. 60-1-5 are met.

d-3. The maximum inspection fee for a single inspection, excluding penalties for late payment, shall be \$500.

e. Reinstatement Inspection. The fee for a reinstatement inspection required to remove an order to suspend all or part of a food operation due to an imminent health hazard shall be \$125.

2. WEIGHTS AND MEASURES INSPECTION FEES.

a. Reinspection. The fee for a reinspection when an operator fails to bring all devices into compliance shall be \$125. The fee shall increase by \$125 for each successive reinspection in which the operator fails to bring all devices into compliance.

b. Price Verification Reinspection. The reinspection fee for the first failed repeat price verification audit shall be \$250. The fee shall increase by \$125 for each successive price verification audit in which the operator fails to obtain a passing score.

c. Vehicle Tank Meters. The fee for inspection of a vehicle tank meter, as defined in s. 98.224(1), Wis. Stats., shall be \$125.

(See ch. 68 and 82)

60-83. Swimming and Other Water Use Facilities: Plan Examinations, Inspections and Preinspections.

1. The fee for each plan examination and preinspection for swimming and other water use facilities shall be:

a. Private temporary facility plan examination: \$50.

b. Nonmobile temporary facility plan examination made prior to construction: \$50.

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c. Private nonmobile facility plan examination paid after construction has begun: \$100.

d. Complete facility review and preinspections of a public pool, excluding wading pools: \$600.

e. Partial facility review and preinspections of a public pool, excluding wading pools: \$600.

g. Partial review of a public wading pool: \$75.

h. Public facility review or preinspection paid after construction has begun: 2 times the fee amounts in pars. d to g.

i. Virginia Graemy Baker (VGB) act modification inspection: \$150.

j. Slide functional requirement inspection: \$540.

k. Slide structural requirement inspection, greater than 6 feet: \$600.

L. Public swimming pool and water attraction reinspection: \$300.

2. There shall be an additional fee for the filing of a late application in the amount of \$50.

3. Fees listed in this section shall not be refundable.

(See s. 75-20.1.)

60-87. Vital Records. Fees charged for the search, filing and issuing of certified copies of births and deaths and for making authorized corrections, alterations or additions to those records shall be those prescribed in s. 69.22, Wis. Stats.

For legislative history of chapter 60, contact the Municipal Research Library.

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**CHAPTER 61
PENALTIES FOR HEALTH-RELATED VIOLATIONS**

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imprisoned not less than one day nor more than 30 days.

61-8. Class B. Upon conviction of a Class B violation, persons shall be fined not less than \$25 nor more than \$200. Each day of violation, disobedience, omission, neglect or refusal shall constitute a separate offense. Upon default of payment, the violator shall be imprisoned not less than one day nor more than 30 days.

61-9. Class C. Upon conviction of a Class C violation, persons shall be fined not less than \$25 nor more than \$200. Each and every act of violation shall constitute a separate offense. Upon default of payment, the violator shall be imprisoned not less than one day nor more than 30 days.

61-10. Class D. Upon conviction of a Class D violation, persons shall be fined not less than \$50 nor more than \$500. Upon default of payment, the violator shall be imprisoned not less than 3 days nor more than 30 days.

61-11. Class E. Upon conviction of a Class E violation, persons shall be fined not less than \$50 nor more than \$500. Each day of violation, disobedience, omission, neglect or refusal shall constitute a separate offense. Upon default of payment, the violator shall be imprisoned not less than 3 days nor more than 30 days.

61-12. Class F. Upon conviction of a Class F violation, persons shall be fined not less than \$50 nor more than \$500. Each and every act of violation shall constitute a separate offense. Upon default of payment, the violator shall be imprisoned not less than 3 days nor more than 30 days.

61-13. Class G. Each day of a Class G violation shall constitute a separate offense. Upon the first conviction, violators shall be fined not less than \$50 nor more than \$100. On 2nd and subsequent violations of the same offense which has been previously cited, persons shall be fined not less than \$100 nor more than \$200. Upon default of payment for the first violation, the violator shall be imprisoned not less than 2 days nor more than 30 days. Upon default of payment for 2nd and subsequent violations, such

61-1. Definitions. In this chapter "person" means any individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club or organization of any kind.

61-5. General Provisions. 1. Any person who violates any provision of chapters 62 to 78, ch. 80, s. 84-48 or order of the commissioner of health, a representative of the commissioner or any city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding shall be subject to penalties as set forth in this chapter and as referenced in specific sections of those chapters. Where citations are issued the Milwaukee municipal court deposit schedule shall be used as a guide for penalties for violations of these chapters.

2. Costs of prosecution and taxes shall be added to all forfeiture amounts listed in this chapter.

3. Upon default of payment the violator shall be imprisoned in the county jail or house of correction for the time specified in this chapter or until such forfeiture and costs plus taxes shall be paid.

61-7. Class A. Upon conviction of a Class A violation, persons shall be fined not less than \$25 nor more than \$200, or upon default

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imprisonment shall be not less than 3 days nor more than 30 days.

61-14. Class H. Each act of a Class H violation shall constitute a separate offense. Upon the first conviction, violators shall be fined not less than \$50 nor more than \$100. On 2nd and subsequent violations of the same offense that have been previously cited, the person shall be fined not less than \$100 nor more than \$200. Upon default of payment for the first offense, the violator shall be imprisoned for not less than 2 days nor more than 30 days. Upon default of payment for the 2nd and subsequent offenses, the violator shall be imprisoned not less than 3 days nor more than 30 days.

61-15. Class I. Upon conviction of a Class I violation, persons shall forfeit not less than \$100 nor more than \$1,000. Each day of violation, disobedience, omission, neglect or refusal shall constitute a separate offense. Accumulated forfeitures recoverable in any one action shall not exceed \$10,000. Upon default of payment, the violator shall be imprisoned not less than 3 days nor more than 30 days.

61-16. Class J. 1. Upon conviction of a Class J violation, persons shall be fined not less than \$100 nor more than \$5,000. Each and every act of violation, disobedience, omission, neglect or refusal shall constitute a separate offense. Accumulated forfeitures recoverable in any one action shall not exceed \$10,000. Upon default of payment, the violator shall be imprisoned not less than 4 days nor more than 80 days.

2. The minimum forfeiture shall be not less than \$500 for a second or subsequent conviction of any of the following violations committed within a 2-year period. Each day of continued violations of subs. a and b shall constitute a separate offence. Accumulated forfeitures recoverable in any one action for violation of pars. a and b shall not exceed \$30,000. All other penalty provisions for violations of s. 66-22 shall be as provided in sub. 1.

a. Violation of any provision of s. 66-22.

b. Failure to obey any order of the commissioner to conform to any provision of s. 66-22.

61-17. Class K. Upon conviction of a Class K violation, persons shall forfeit not less than \$150 nor more than \$1,000. Each day of violation, disobedience, omission, neglect or refusal shall constitute a separate offense. Upon default of payment, the violator shall be imprisoned not less than 6 nor more than 40 days.

61-18. Class L. Upon conviction of a Class L violation, a person shall forfeit \$500. Upon default of payment, the violator shall be imprisoned for 20 days. Each day of violation shall constitute a separate offense.

61-20. Class N. Upon conviction of a Class N violation, a person shall forfeit not less than \$500 nor more than \$5000. Each day of violation, disobedience, omission, neglect or refusal shall constitute a separate offense. Accumulated forfeitures recoverable in any one action shall not exceed \$20,000. Upon default of payment, the violator shall be imprisoned not less than 4 days nor more than 80 days.

61-21. Class O. Upon conviction of a Class O violation, the violator shall forfeit not less than \$300 nor more than \$1,500. Upon default of payment, the violator shall be subject to imprisonment not less than 12 nor more than 60 days.

61-22. Class P. Upon conviction of a Class P violation, the violator shall forfeit not less than \$1,500 nor more than \$5,000. Each incidence of a dumping violation shall constitute a separate offense. Upon default of payment, the violator shall be subject to imprisonment not less than 30 days nor more than 100 days.

61-23. Class Q. Upon conviction of a Class Q violation, the violator shall forfeit not less than \$1,000 nor more than \$10,000. Each incidence of a violation shall constitute a separate offense. Upon default of payment, the violator shall be subject to imprisonment not less than 30 days nor more than 100 days.

For legislative history of chapter 61, contact the Municipal Research Library.

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Toxic and Hazardous Substances 66-22

a. Interim control activities, including repainting over or covering lead-based paint with nonlead-based paint and performing cleaning activities designed to maintain a no-lead hazard condition.

b. Disturbing lead-based paint surfaces incidental to the performance of remodeling, renovation or repair activities where the intent of the project is not to reduce the hazard or potential hazard of lead exposure.

22. STANDARD TREATMENT means a department-approved lead hazard reduction method required for compliance with department orders.

23. SUPPLEMENTAL LOCATION means any dwelling, dwelling unit or premises where any person cares for, teaches, trains or supervises a child, including any structure adjacent to the dwelling unit of a lead poisoned child.

24. TARGET HOUSING means any dwelling constructed prior to 1978, except a dwelling for the elderly or persons with disabilities or any dwelling without a bedroom unless a child occupies or is expected to occupy the dwelling.

25. VISUAL EXAMINATION means an inspection by department staff of standard treatments conducted by trained or certified individuals, for the purposes of ensuring that work quality matches department specifications as set forth in the standard treatments.

26. WET-SCRAPED means the moistening of a surface to limit the creation of airborne dust during the removal of a coating containing lead, while containing all runoff of the wetting agent for proper disposal.

66-22. Lead Poisoning Prevention and Control Regulations.

1. PROHIBITED ACTS.

a. No owner or person may create or knowingly allow to exist in or on their property any lead-based nuisance, as defined in s. 66-21-15.

b. No person may apply lead bearing coatings having a lead content greater than or equal to 0.06% by weight, calculated as lead in the total nonvolatile content or any other coating material which would result in a lead based surface to:

b-1. Any exposed surface on the interior or exterior of a dwelling, dwelling unit, supplemental location or premises.

b-2. Any object to be used inside, outside or upon any exposed surface of a dwelling, dwelling unit, supplemental location or premises.

2. WARNING LABEL REQUIRED.

a. No person may store, sell, give away or accept any paint, coating material or object which has a lead content greater than or equal to 0.06% by weight, calculated as lead metal in the total nonvolatile content of the liquid, including any additives, or a finished surface that contains lead at a concentration greater than or equal to .7 milligram per square centimeter, unless such paint, coating material or object has a securely attached, prominently displayed and easily read label with the following wording:

WARNING!

Contains Lead!

Harmful If Consumed!

KEEP OUT OF REACH OF CHILDREN.

DO NOT APPLY WHERE

ACCESSIBLE TO CHILDREN.

b. The warning statement shall also be required on any accompanying literature, instructions or directions.

c. The warning label requirement does not apply to dwelling units.

3. EVICTION OR RETALIATION PROHIBITED. a. No non-owner occupant of a dwelling, dwelling unit, supplemental location or premises shall be evicted or otherwise retaliated against because of any of the following activities:

a-1. An occupant or someone on the occupant's behalf sought advice or services to guard household members from exposure to suspected or known lead-based nuisances at the dwelling, dwelling unit, supplemental location or premises.

a-2. An occupant or someone on the occupant's behalf cooperated with the city or other entity investigating possible lead-based nuisances or abating lead-based nuisances at the dwelling, dwelling unit, supplemental location or premises.

a-3. An occupant or someone on the occupant's behalf arranged the abatement of known lead-based nuisances at the dwelling, dwelling unit, supplemental location or premises.

a-4. Any person made a complaint to the department about suspected or known lead-based nuisances at the dwelling, dwelling unit, supplemental location or premises.

b. It shall be presumed that any attempt to terminate the tenancy, increase rent or other charges, reduce services, refuse to renew a rental agreement, or to otherwise harass or retaliate against a non-owner occupant

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within 24 months of the activities described in par. a. is done in retaliation and is void. In order to overcome such presumption, it shall be shown by a preponderance of the evidence that such acts were based upon good cause. "Good cause" as used in this paragraph means that one is required to show a good reason for his or her actions, other than one related to or caused by the activities described in par. a., including but not limited to normal rental increases due to tax increases or increases in maintenance costs.

c. An occupant may be evicted if the occupant fails to pay rent other than a rent increase prohibited by this subsection, commits waste upon the premises, or commits a substantial violation of a written rental agreement.

d. Any person who violates this subsection shall be liable upon conviction to a Class J penalty under s. 61-16. Each and every act of violation shall constitute a separate offense.

4. INSPECTION AND ORDER FOR LEAD HAZARD REDUCTION ACTIVITIES. a. The department may conduct an inspection of a dwelling, dwelling unit, supplemental location or premises on surfaces, substances or objects which the department has reason to believe constitutes a lead based nuisance and may also take samples of materials which are believed to contain lead for further laboratory analysis.

b. If the department is refused admittance to any dwelling, dwelling unit, supplemental location or premises to conduct an environmental inspection, the commissioner may apply for and obtain a special warrant pursuant to s. 66.0119, Wis. Stats., to gain access.

c. If the department determines that a lead based nuisance exists in or upon a dwelling, dwelling unit, supplemental location or premises, the department may:

c-1. Notify the occupant or the occupant's representative and the owner, that lead based nuisances are present and that they constitute a health hazard.

c-2. Issue written orders for lead hazard reduction activities to address those lead-based nuisances found to exceed allowable lead levels as provided in s. 66-21-18. The order shall state that the order may be appealed, the deadline by

which the appeal must be filed and the entity to which the appeal must be made. An owner who is served an order may, prior to the time specified for compliance, submit a written appeal to the commissioner. The appeal shall state with specificity the reason that the appellant believes the order was issued in error. The commissioner may affirm, reverse or modify the order and shall mail or deliver to the appellant his or her written determination stating the reasons therefore. Such determination shall be a final determination.

c-3. Post in a conspicuous place upon the dwelling, dwelling unit, supplemental location or premises a notice of the presence of a lead hazard.

d. An additional fee in the amount specified in s. 60-53 may be charged for any lead hazard reinspection necessary to determine compliance with an order issued under par. c-2 unless compliance with such order is found.

4.3. ENFORCEMENT. If orders are not complied with by the expiration date, the commissioner may, in addition to other enforcement measures authorized by law:

a. Issue a citation pursuant to s. 66-29.

b. Refer the failure to comply to the commissioner of neighborhood services for issuance of a rent withholding notification pursuant to s. 200-22.

c. Provided the department has funds available, secure an appropriate court-issued warrant for entry to the premises to abate or remove the nuisance and use the authority delegated under ch. 17 of the city charter to summarily abate or remove a nuisance. The cost of the abatement, interim controls and relocation associated with making the property lead-safe shall be assessed and collected as a special charge on the property.

d. If the commissioner determines that the cost to abate the lead hazard would exceed 50 percent of the assessed value of such building divided by the ratio of the assessed value to the recommended value as last published by the Wisconsin department of revenue for the city of Milwaukee, and the lead hazard cannot be controlled by interim controls, presume such repairs are unreasonable and refer the property to the commissioner of neighborhood services for an order to raze, pursuant to s. 218-4.

4.5. ORER TO DISCONTINUE OCCUPANCY OR USE. a. If in the judgement of the commissioner any dwelling, dwelling unit, supplemental location or premises is unsafe or unfit for human habitation due to the presence of imminent lead hazards as defined by Wisconsin statutes, the commissioner may refer the property to the commissioner of neighborhood services for a determination to issue an order for enforcement pursuant to s. 200-11-5 and 6.

b. Orders and placards shall remain effective until the required lead hazard reduction activity has been completed. No person may remove a posted order or placard, or occupy, use or enter a posted or placarded dwelling, dwelling unit, supplemental location or premises, except for the purpose of carrying out the required lead hazard reduction activity, without written permission from the commissioner of neighborhood services.

5. LEAD HAZARD REDUCTION PROJECT PERMIT REQUIRED. Except as otherwise provided in par. a, no person may conduct or perform work on a lead hazard reduction project without obtaining a lead hazard reduction project permit approved by the department. Permit-holders shall follow the interior and exterior lead hazard site preparation and reduction standards in subs. 6 to 10.

a. Permit and certification exceptions.

a-1. A permit shall not be required for:

a-1-a. Work involving repair to less than 10 square feet of lead-based nuisance.

a-1-b. Work involving repair to comply with a 5-day hazard control order.

a-1-c. Preventive maintenance.

a-2. On a lead hazard reduction project, the department may approve the use of non-certified workers on the project site if the workers do not participate in activities that create a lead based nuisance or that, intentionally or incidentally, disturb lead based paint. These activities include, but are not limited to repainting or siding application after lead-based paint hazards have been stabilized or building a new porch after an old porch has been safely removed. The department may require the oversight of such non-certified workers by a certified supervisor at a project site.

b. Applications. Applications for permits shall be made on forms obtained from and returned to the department.

b-1. Applicants are required to be state-certified as provided for in Wis. Adm. Code ch. DHS 163, as amended, and shall pay the fee required in s. 60-54, prior to the issuance of a permit.

b-2. An application to revise the start date of a project shall be submitted to and approved by the department prior to the start date specified on the original permit.

b-3. Permit extensions shall be applied for and approved prior to expiration of the permit. The department may charge a fee for a permit extension.

c. Posting of Permit. The permit shall be posted in a conspicuous location at the reduction site until the reduction has been completed.

d. Permit Denial or Granting with Conditions.

d-1. An application for a permit may be denied or granted with conditions if the applicant has been convicted of 3 or more project violations under par. h on or after November 18, 1998 and at least 3 convictions were on account of actions occurring within the 24 months immediately preceding the date of application.

d-2. Whenever a permit is denied or granted with conditions under subd. 1, the commissioner shall so notify the applicant in writing. The notice shall state that the applicant may appeal the decision under sub. 14 and shall specify how such appeal may be made.

f. List of Significant Violations for Public Inspection. The commissioner shall establish, maintain and periodically revise as necessary, a list of specific actions which constitute significant violations of under par. h. The commissioner shall make the list readily available for public inspection.

g. Permit Suspension. If proper procedures and compliance with the approved treatments are not followed or conditions result that create a hazardous environment, the commissioner may give written notice to suspend the lead hazard reduction permit. When a permit is suspended, all work shall be stopped and the lead hazards shall be contained or cleaned pending correction of the violation and reissuance of the permit. The notice shall state that the applicant may appeal the decision under sub. 14 and shall specify how such appeal may be made.

h. Lead Hazard Reduction Project Violations. The following practices shall be considered violations of this subchapter and may result in the issuance of a citation for each violation:

h-1. Conducting lead hazard reduction projects without a permit, before the effective date of the permit or after the expiration date of the permit.

h-2. Conducting lead hazard reduction projects with an employee or worker who has not

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been certified under Wis. Adm. Code ch. DHS 163, except as authorized in subd. a-2.

h-3. Conducting lead hazard reduction projects without having a lead supervisor certified by the state of Wisconsin on the lead hazard reduction site when reduction activities are in progress.

h-4. Failure to meet performance date criteria set forth on lead hazard reduction permits.

h-5. Failure to meet specifications of the standard treatments or equally protective treatments as mutually agreed upon between the owner and the department.

h-6. Failure to secure the lead hazard reduction site or post warning signs at all entrances or exits to the lead hazard reduction area.

h-7. Failure to provide department approved interior or exterior containment prior to or during lead hazard reduction projects.

h-8. Failure to properly decontaminate the areas undergoing lead hazard reduction by using a HEPA vacuum, washing with a general purpose detergent and rinsing with clear water.

h-9. Removal, containment, storage, transport or disposal of lead containing materials in an unsafe manner.

h-10. Subcontracting for an activity related to a lead hazard reduction project prior to final visual examination, clearance dust sampling and approval by the department.

h-11. Failure to be in compliance with all applicable local, state and federal laws and regulations, including Wis. Adm. Code chs. DHS 163 and NR 600 to 685, and federal resource conservation recovery act, environmental protection agency and occupational safety and health agency regulations.

6. HAZARD REDUCTION REGULATIONS. a. Signs to be Posted. Prior to the reduction of lead from any area in a dwelling, dwelling unit, supplemental location or premises, caution signs measuring 20 inches by 14 inches, issued by the department at the time the permit is obtained, shall be posted at all entrances and exits.

a-1. The signs shall read:

DANGER - LEAD PAINT DUST HAZARD.

a-2. Signs shall be posted at least one day prior to the commencement of the reduction activities, and remain in place for the duration of the project, unless otherwise authorized by the commissioner.

b. Notice to Occupants. The permittee shall provide written and oral notification of planned lead hazard reduction activities to occupants of a dwelling, dwelling unit, supplemental structure or premises.

c. Compliance with Other Laws. All lead hazard reduction activities shall be performed in compliance with all applicable local, state and federal laws and regulations, including Wis. Adm. Code chs. DHS 163 and NR 600 to 685, as amended, and federal resource conservation recovery act, environmental protection agency and occupational safety and health agency regulations, as amended.

d. Site Inspection. The commissioner may inspect and sample any dwelling, dwelling unit, supplemental location or premises at any time during the reduction process to insure compliance with reduction standards. Evaluation procedures including, but not limited to, visual examination, wipe sampling, soil testing, air sampling and x-ray fluorescence analysis may be used.

7. INTERIOR SITE PREPARATION.

a. Furnishings shall be removed from each room or area as it is prepared for reduction or covered with plastic at least 6 mils thick and sealed with tape. All furnishings remaining in the reduction area shall be HEPA vacuumed prior to unit reoccupancy.

b. All heating, ventilating, air conditioning openings and entrances to a reduction site, with the exception of the entrance used by workers, shall be sealed with plastic at least 6 mils thick and taped to prevent contamination by lead dust or particles. The entrance used by workers shall have 2 layers of 6 mils thick plastic attached at the top edges of the doorway and at opposite sides to form a z-door.

c. Where lead hazard reduction activity is in process, interior floors shall be covered with 2 layers of 6 mil plastic. However, the use of 6 mil plastic as an engineering control may vary according to projects and its application and placement is subject to department approval prior to and during the course of a lead based reduction project.

8. INTERIOR LEAD HAZARD REDUCTION STANDARDS. a. Initial Cleaning. Interior areas, including all interior surfaces, woodwork, wood trim, walls, ceilings, windows and floors and all exterior window sills and wells, identified as being in violation of sub. 1 shall be thoroughly cleaned with a HEPA vacuum and washed with a general purpose detergent within 5 calendar days of receipt of notice from the commissioner.

b. 5-Day Hazard Control. All surfaces in violation of sub. 1 which have had a preventive cleaning as provided in par. a and which are accessible to children, must be taped or covered until additional procedures to control the lead hazards have been concluded.

c. Permissible Methods. Permissible methods for the removal of lead-based coatings from all surfaces shall include the use of any of the following: wet scraping, a heat gun (less than 1,100° F), chemical strippers which do not contain methylene chloride and HEPA vacuum assisted electric planers. The affected areas can then be covered with non-lead based primer and paint, encapsulant or enclosure material such as vinyl or aluminum, to include caulking seams and edges and anchoring with mechanical fasteners.

d. Prohibited Methods. The removal of lead-based coatings by sanding, sandblasting, pressure washing, grinding, the use of an open flame torch, or strippers containing methylene chloride, vacuuming with non-HEPA-equipped household or shop vacuums, dry sweeping in areas that are not properly contained and sealed, or any method that allows leaded dust to become airborne, is prohibited. The department may approve exceptions to these prohibitions, contingent upon the existence of adequate engineering controls to eliminate lead exposure to occupants or workers.

e. Treatment of Surfaces of Dwelling Unit Interior Structures.

e-1. Dwelling unit interior structures must first be maintained or corrected to structurally sound and sanitary condition in accordance with the standards provided in ss. 275-33 and 34. All interior surfaces that are identified as lead based nuisances shall be treated with methods in accordance with par. c and shall be repaired to have structurally sound and smooth surfaces. Those surfaces must be HEPA vacuumed, washed with a general purpose detergent and then coated, covered or enclosed with a non-lead-based coating, encapsulant or material approved by the commissioner pursuant to department orders.

e-2. Floors having deteriorated lead-based surfaces shall be covered with vinyl tile, vinyl sheet goods, linoleum flooring or other approved materials. Chemical stripping of a floor shall be permissible.

e-2-a. Varnish or other approved sealants may also be used on floors having deteriorated lead-based surfaces, provided the floors are carpeted or covered in a manner approved of by the commissioner after they are sealed.

e-2-b. Wood floors having deteriorated lead-based surfaces from a varnish, stain, urethane or shellac finish may be treated with a sealant approved by the commissioner.

e-3. The lead-based surfaces of exterior window sills or wells (troughs) shall have all the lead-based surfaces removed to bare wood and then be stabilized with a non-lead-based primer and paint or be replaced with wood not covered with a lead-based surface or be enclosed with vinyl or metal. Any exterior window sill surfaces treated for lead hazard reduction shall be smooth and cleanable.

e-4. The lead-based surfaces of sash tracks of double hung windows shall either have all lead-based surfaces removed to bare wood and then be stabilized with a non-lead-based primer and paint or coating, or shall have single or double sash track liners installed with remaining exposed lead-based surfaces removed to bare wood and then stabilized with a non-lead-based primer and paint or coating. This requirement does not apply to non-deteriorated exposed exterior sash tracks that are not subject to friction and are protected from weathering.

e-5. The lower sashes of double hung windows which have deteriorated lead-based surfaces shall have all the lead-based surfaces removed to bare wood and then stabilized with a non-lead-based primer and paint or coating.

e-6. The upper sashes of double hung windows which have deteriorated lead-based surfaces of 20% or more of their coated surface area shall have all the lead-based surfaces removed to bare wood and then be stabilized with a non-lead-based primer and paint or coating. Upper sashes which have deteriorated lead-based surfaces of less than 20% of their coated surface area shall have all lead-based surfaces and glazing removed from deteriorated areas and then be stabilized with a new glazing material, non-lead-based primer and paint or coating.

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e-7. All other window component surfaces which have deteriorated lead-based surfaces shall have all deteriorated lead-based surfaces removed and then be stabilized with a non-lead-based primer and paint or coating. Any window component surfaces receiving lead hazard reduction shall be smooth and cleanable.

e-8. Lead based surfaces that are free of deterioration except for chalking may be washed and repainted with a non-lead based paint or coating. This does not apply to floors, exterior window sills, wells, troughs and double-hung window sash tracks.

e-9. Storm windows covering windows that have received lead hazard reduction shall be repaired to a weatherproof and waterproof condition with glass intact. All wooden storm windows with deteriorated lead-based surfaces shall have the deteriorated lead-based surfaces removed and shall be stabilized with a non-lead-based primer and paint or coating.

e-10. Complete window units or individual window components such as sashes may also be replaced with materials free of lead-based surfaces. A window trough insert may be used where an operational, intact and complete combination storm/screen window is present and a window trough lead hazard has been identified by the department. After replacement, any remaining exposed window surfaces must meet the requirements specified in subds. 3 to 8.

f. Final Cleaning. After the entire lead hazard reduction process has been completed, a final HEPA vacuum, wash with a general purpose detergent and rinse with clear water of all interior surfaces in the dwelling unit or supplemental location must be done.

g. Removal of Waste. At the end of the work day, all waste resulting from the lead hazard reduction process shall either be collected, contained or stored in a secure area, or shall be collected, contained and removed from the reduction site and be disposed of as provided in sub. 11.

9. EXTERIOR SITE PREPARATION.

a. Exterior lead hazard reduction work shall be performed in a manner that will prevent leaded waste from coming into contact with the ground or from entering the interior of the dwelling, dwelling unit, supplemental location or premises.

b. All windows and doors of the dwelling, dwelling unit or supplemental location shall be kept closed while lead hazard reduction is being conducted.

c. Six mil plastic to collect reduction waste shall be attached to and extend at least 6 feet from the foundation and at the base of the structure being worked on and in all cases adequate to contain any falling debris.

d. At the end of the work day, all waste resulting from the lead hazard reduction process shall either be collected, contained or stored in a secured area, or shall be collected, contained and removed from the work site and be disposed of as provided in sub. 11.

10. EXTERIOR LEAD HAZARD REDUCTION STANDARDS.

a. Treatment of Surfaces of Dwelling Exterior Structures. a-1. Dwelling exterior structures first must be maintained or corrected to a structurally sound, weatherproof and watertight condition in accordance with the standards provided in ss. 275-32 and 34.

a-2. Exterior surfaces that are identified as lead-based nuisances shall have the deteriorated lead-based surfaces removed in accordance with sub. 7-c and shall be repaired to be structurally sound, weatherproof, watertight and smooth surfaces. Exterior surfaces shall then be coated with non-lead-based primer and paint, aluminum, vinyl or steel siding or a covering approved by the commissioner pursuant to department orders.

a-3. When lead hazards have been identified on any portion of the exterior sill of an operational, intact and complete combination storm/screen window, the sill and window casing on the outside of the combination storm/screen portion of the window shall be identified and treated as an exterior lead hazard.

b. Treatment of Contaminated Soil. In the event of contamination of soil with lead particles, the commissioner may order that the soil be removed to a depth of 3 inches and be replaced with uncontaminated soil or be covered pursuant to department orders. Any contaminated soil shall be disposed of as provided in sub. 11.

11. CLEARANCE STANDARD.

a. Dust-Wipe Sampling.

a-1. Dust-wipe sampling and analysis shall be performed by the department.

a-2. Clearance dust-wipe levels must be less than the lead in dust standards established by the U.S. department of housing and urban development under the authority of the housing and community development act of 1992, section 403, and found at 60 Fed. Reg. 47,247 (1995), (to be codified).

a-3. The department shall conduct dust wipe sampling as promptly as possible after the department has been notified that lead hazard reduction activities have been completed, and shall make every reasonable attempt to conduct sampling within 5 working days.

b. Final Visual Examination.

Inspection shall be conducted by the department to determine full compliance with inspection orders prior to clearance dust sampling.

12. DISPOSAL OF LEAD HAZARD ABATEMENT WASTE. Waste generated from lead hazard reduction shall be disposed of in a manner that will not endanger the health or well-being of the occupants, neighbors or community and shall be in compliance with all applicable local, state and federal laws and regulations, including Wis. Adm. Code ch. DHS 163 and chs. NR 600 to 685, as amended, and federal resource conservation recovery act, environmental protection agency and occupational safety and health agency regulations, as amended. At no time shall leaded dust be allowed to become airborne during disposal.

13. APPROVED MATERIALS, PRODUCTS AND WORK METHODS. The commissioner shall prepare and make available without charge to the public a descriptive list of the following specific materials, products and work methods:

a. Material approved by the commissioner for coating, covering or enclosing interior surfaces that are identified as lead based nuisances, as referenced in sub. 7-e-1.

b. Other materials approved for covering floors having deteriorated lead-based surfaces, as referenced in sub. 7-e-2-0.

c. Other sealants approved for use on floors having deteriorated lead-based surfaces, as referenced in sub. 7-e-2-a.

d. Manner approved by the commissioner for covering floors having deteriorated lead-based surfaces on which varnish or other approved sealants have been used, as referenced in sub. 7-e-2-a.

e. Sealant approved by the commissioner for treating wood floors having deteriorated lead-based surfaces from a varnish, stain, urethane or shellac finish, as referenced in sub. 7-e-2-b.

f. Covering approved by the commissioner for coating exterior surfaces that are lead-based nuisances, as referenced in sub. 9-a-2.

14. APPEALS. a. A person who seeks to appeal an order or permit decision of the department under this subchapter, other than an order under sub. 4-c-2, shall file a written appeal with the commissioner within 5 working days after the person has received written notice of the order or decision being appealed. The appeal shall state with specificity the reason that the appellant believes the order or decision was issued in error.

b. At the time of filing a written appeal under this subsection, the person affected by the order or permit decision may request and shall be granted a hearing on the matter before the commissioner. Within 10 days of receipt of the written appeal and request for hearing, the commissioner shall set a time and place for a hearing and shall give the applicant written notice thereof. The hearing before the commissioner shall be conducted in the following manner:

b-1. The hearing shall be commenced not later than 30 days after the date on which the appeal and request for hearing was filed, provided that upon written application by the appellant to the commissioner, the commissioner may postpone the date of the hearing for a reasonable time beyond such 30-day period if, in the commissioner's judgement, the appellant has submitted a good and sufficient reason for such postponement. The commissioner may also postpone the hearing to gather testimony and data.

b-2. At the hearing, the appellant and the department may each be represented by an attorney and present evidence, call and examine witnesses, and cross-examine witnesses of the other party. Such witnesses and the appellant shall be sworn by the commissioner.

b-3. The appellant's attorney may issue a request to compel the attendance of witnesses or the production of evidence. The request issued by an attorney shall be in substantially the same form as provided in s. 805.07(4), Wis. Stats., and shall be served in the same manner as provided in s. 805.07(5), Wis. Stats. The attorney shall, at the time of issuance, send a copy of the request to all concerned parties.

b-4. The commissioner shall take notes of the testimony and shall mark and preserve all exhibits. The commissioner may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the city.

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c. The commissioner may affirm, reverse or modify the original order or action of the department. Within 20 days of completion of the hearing conducted under this subsection and the filing of briefs, if any, the commissioner shall mail or deliver to the appellant his or her written determination stating the reasons thereof. Such determination shall be a final determination.

66-29. Penalty. 1. Any person who violates any provision of s. 66-22 or who fails to obey an order of the commissioner to conform to those provisions shall be liable upon conviction to a Class J penalty as provided in s. 61-16.

2. If a person continues in violation of an order, the person shall be liable for further prosecution, conviction and punishment upon the same order without the necessity of the commissioner issuing a new order.

3. Non-compliance of orders issued under s. 66-22-3-c-2, may result in the issuance of citations, as provided in s. 50-25.